

**AMENDED AGENDA #3**  
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE**  
**1:30 P.M.**  
**Room EW42**  
**Monday, January 17, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew42/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Committee Organization	Chairman Chaney
<a href="#"><u>RS 29117C1</u></a>	Coronavirus, immunity, sunset	Rep. Young
<a href="#"><u>RS 29162</u></a>	Ed, leadership premiums, insurance	Rep. Furniss

COMMITTEE MEMBERS

Chairman Chaney  
Vice Chairman Hartgen  
Rep Kerby  
Rep Amador  
Rep Ehardt  
Rep Scott

Rep Marshall  
Rep Troy  
Rep Young  
Rep Nate  
Rep Cannon  
Rep Erickson

Rep Skaug  
Rep Gannon  
Rep McCrostie  
Rep Ruchti  
Rep Nash

COMMITTEE SECRETARY

Andrea Blades  
Room: EW56  
Phone: 332-1127  
Email: [hjud@house.idaho.gov](mailto:hjud@house.idaho.gov)

MINUTES

## HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

**DATE:** Monday, January 17, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie (Coberly), Ruchti, Nash

**ABSENT/  
EXCUSED:** Representative(s) Ehardt, Gannon

**GUESTS:** None

**Chairman Chaney** called the meeting to order at 1:30 p.m.

**Chairman Chaney** welcomed the committee and introduced continuing **Vice Chairman Linda Hartgen**; returning committee secretary **Andrea Blades**; and page **Sydney Case**.

**Rep. Cannon** and **Rep. Nash** will serve as the Committee proofreaders.

**Chairman Chaney** reviewed committee processes and procedures. Important date: March 7 is the Transmittal Date for Joint Resolutions, the JRA Committee work should be completed a few days prior to that date. He said he will be implementing a 3:00 p.m. hard stop for committee meetings. Remote testimony will be permitted during Committee meetings and there will be an online sign up sheet for those testifying remotely and attending in person. All online sign up will be closed at the minute the meeting is called to order.

**Chairman Chaney** stated that the Administrative Rule changes posted for this Committee's review have been minimal and may not need to be addressed in committee. Chairman Chaney asked the Committee members to look them over and provide input. At this point no Administrative Rule presentations have been scheduled.

**RS 29117C1:** **Rep. Young** presented **RS 29117C1** which continues to provide limited immunity from certain business liabilities in connection to the Coronavirus and extends the sunset date another year.

**MOTION:** **Rep. Skaug** made a motion to introduce **RS 29117C1**. **Motion carried by voice vote.**

**RS 29162:** **Rep. Furniss**(35) presented **RS 29162**. He explained the problem and how the solution evolved and explained that this proposed legislation creates a dedicated fund for the purpose of funding the one-time transaction for public schools to buy in to the state's medical and dental group insurance plan. It also establishes limits for the amount that can be allocated per school district, and outlines how to handle situations in which the demand exceeds available funds; also sunsets leadership premiums.

**MOTION:** **Rep. Kerby** made a motion to introduce **RS 29162**. During the discussion questions arose about the number of teachers employed in Idaho, and why this RS is being introduced through this Committee instead of through the Education Committee. It was explained that because this RS establishes a fund but does not actually fund anything it is considered an "administrative" issue. **Motion carried by voice vote.**

**ADJOURNMENT:** There being no further business to come before the Committee, the meeting adjourned at 3:43 p.m.

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Representative Chaney  
Chair

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Andrea Blades  
Secretary

AGENDA  
**HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE**  
**1:30 P.M.**  
**Room EW42**  
**Wednesday, January 19, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew42/>

SUBJECT	DESCRIPTION	PRESENTER
	Agency Update/Juvenile Corrections	Monty Prow , Director, Dept. of Juvenile Correction
<a href="#">RS 29061C1</a>	Juvenile Corrections Act	Rep. Erickson
<a href="#">RS 29070C1</a>	Juvenile Corrections Act	Rep. Erickson
<a href="#">RS 29072C1</a>	Juvenile Corrections Act, diversions	Rep. Erickson
<a href="#">H 443</a>	Ed, leadership premiums, insurance	Rep. Furniss
*Online registration will end at the commencement of the meeting.		
*Meeting to adjourn by 3:00 p.m.		

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Chaney	Rep Marshall
Vice Chairman Hartgen	Rep Troy
Rep Kerby	Rep Young
Rep Amador	Rep Nate
Rep Ehardt	Rep Cannon
Rep Scott	Rep Erickson

Rep Skaug
Rep Gannon
Rep McCrostie
Rep Ruchti
Rep Nash

COMMITTEE SECRETARY

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MINUTES

## HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

**DATE:** Wednesday, January 19, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Amador, Ehardt, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie(Coberly), Ruchti, Nash

**ABSENT/  
EXCUSED:** Rep. Ehardt

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Chaney** called the meeting to order at 1:30 p.m.

**Chairman Chaney** welcomed everyone and explained that those who would like to participate in public testimony, whether in person or remotely, need to register online to testify.

**Director Monty Prow** provided an agency update for the Idaho Dept. of Juvenile Corrections (DJC) identifying all the partners and philosophies that collaborate to support their work. As established by the Juvenile Justice Act, juvenile justice in Idaho is a bifurcated system, meaning the State and the Counties are partners in working with youth and their families. About 96% of juveniles involved with the justice system have their cases managed locally and never see the inside of a juvenile correctional facility. This is extremely positive for youth and their families, as research indicates that children develop better if they are never in a long term care facility, no matter how well run it is. Director Prow answered committee questions regarding staffing, commitments, populations, and juvenile trauma scores.

**RS 29061C1:** **Rep. Erickson (33)** presented **RS 29061C1** and explained this proposed legislation adds an additional pathway to the review of a youth's custody and treatment progress, by offering a hearing in front of the Custody Review Board (CRB) at 18 months and repeated every 6 months thereafter allowing for technical corrections. This change better aligns Idaho with the Juvenile Corrections Act.

**MOTION:** **Rep. Kerby** made a motion to introduce **RS 29061C1**.

**Rep. Erickson** answered committee questions, speaking to why there is no fiscal impact he explained the quarterly review committee members who conduct the reviews are volunteers and the bulk of juveniles do not stay in the system longer than 18 months.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

- RS 29070C1:** **Rep. Erickson** presented **RS 29070C1** and explained this proposed legislation expands protections regarding sight and sound separation, and jail removal, for juveniles, and it better defines when a juvenile can legally be held in an adult jail or lockup. **RS 29070C1** better aligns Idaho with national research and the Juvenile Justice and Delinquency Prevention Act (JJDP) standards which stipulate the separation of juveniles from adults. Responding to committee questions Rep. Erickson explained JJDP's role is to set national standards connected to best practices concerning juvenile commitments, and juvenile corrections align with these standards because they have proven to be good for Idaho.
- MOTION:** **Rep. Hartgen** made a motion to introduce **RS 29070C1**. **Motion carried by voice vote.**
- RS 29072C1:** **Rep. Erickson** presented **RS 29072C1** and explained that this proposed legislation relocates the description of the informal adjustment diversion process from Code 20-511 to Code 20-520, placing it nearer to other post-petition options in Code, and thus creating greater clarity regarding diversion processes.
- MOTION:** **Rep. Hartgen** made a motion to introduce **RS 29072C1**. **Motion carried by voice vote.**
- H 443:** **Rep. Furniss (35)** presented **H 443** and explained this bill has involved significant effort and collaboration, and it just creates an account, which does include parameters; however, the actual funding comes from the Appropriation Committee. It also repeals a section of Code called leadership premiums which are expected to result in significant savings, almost 20 million dollars, which can then be put toward the future funding of this change. This bill is the product of a task force that was assigned to assist Idaho teachers and education staff to be more effective and efficient with their health insurance. Currently, it is legal for schools to enter into the State employee insurance pool. When any agency goes into the employee pool there is a pool requirement where a similar contribution to a self funded reserve account is made, and this keeps health insurance claims pooled and funded. This bill creates the account needed to hold a teacher and education staff reserve. Rep. Furniss further explained why a reserve account is necessary and how a reserve account works to cover Idaho's uncapped liability in this area. Additionally, this bill establishes limits for the amount that can be allocated per school district and outlines how to handle situations in which the demand exceeds available funds. This bill sunsets in two years.
- Rep. Furniss** responded to committee questions, explaining that the entire State Employee Insurance plan will have an RFP in one year and insurance carriers will be able to submit bids at that time in a competitive bid process.
- Rep. Furniss declared a Rule 80.**
- Continuing in response to questions **Rep. Furniss** explained that the money appropriated for this purpose does not go to the schools, it goes directly to the claims fund when the school enters into the state employee pool.
- MOTION:** **Rep. Kerby** made a motion to send **H 443** to the floor with a **DO PASS** recommendation.
- Rep. Furnis** responded to additional Committee questions of a very specific technical financial nature.
- Tara Harrison**, Government Affairs Director at Regency Shield of Idaho spoke in **opposition** to **H 443** and stated her organization supports increasing the quality of health insurance benefits for teachers and educational employees. However, if the bill is passed, Regency Shield who currently provides insurance services in some of the school districts, will not be afforded an opportunity to compete in continuing to provide services initially and so she is requesting more time to develop the bill.

**Paul Stark**, Executive Director of the Idaho Education Association spoke **in support of H 443** saying that currently, 50% of the educator workforce is actively considering leaving employment in the districts. The costs of health care are part of the problem and it is particularly onerous in the rural districts that lack the economy of scale. This bill will help attract and retain qualified educators in all the districts.

**Fred Birnbaum** testified **in opposition to H 443** saying the fiscal note does not correctly reflect the actual costs associated with this change, and the speed in which it's been presented has excluded proper input.

**Andy Grover**, Ex. Director of Idaho Association of School Administrators (ISA), spoke **in support of H 443**, saying it is a unique opportunity for school districts and charter schools to access funding for buy-in to the State insurance plan. It is a much needed boost to the morale of the Idaho education community where districts across the state are struggling, sometimes even closing due to lack of labor.

**Brody Aston**, contact lobbyist with Westerberg Associates and representing Select Health spoke **in opposition to H 443**. He said he cannot support a 75 million dollar fund being created to support one plan administered by one insurer. His client supports improving insurance for Idaho educators but through open markets and competition adding that more time needs to be invested in this bill to find better solutions.

**MOTION:** **Rep. Troy** made a motion to amend the agenda and extend adjournment to 5:00 p.m.

**SUBSTITUTE MOTION:** **Rep. Skaug** made a substitute motion to hold **H 443** to a time certain, specifically to the next meeting of the JRA Committee.

**ROLL CALL VOTE ON MOTION:** Chairman Chaney clarified the vote is on the motion to extend the meeting to 5:00 p.m. **Motion carried with a vote of 9 AYES and 7 NAYES. Voting in favor of the motion: Rep. Hartgen, Kerby, Marshall, Troy, Gannon, McCrostie(Coberly), Ruchti, Nash, Chaney. Voting in opposition to the motion: Rep. Amador, Scott, Young, Nate, Cannon, Erickson, Skaug.**

**Blake Youde** testified on behalf of the Idaho Charter School Network **in support of H 443** saying it provides the options for them to choose a health insurance plan that they believe best serves their teachers and other educational employees.

**Quinn Perry**, Deputy Director of the Idaho School Board Association spoke **in support of H 443** saying it gives Districts and Charter Schools the choice to buy into the State plan and it will benefit many educational employees.

**Rep. Furniss** responded to committee questions stating that conversations with other insurance providers has occurred prior to the introduction of **H 443** and that allowing more time to develop and digest this bill will not improve this legislation.

**SUBSTITUTE MOTION:** **Rep. Skaug**, again made a substitute motion to hold the bill to a time certain, specifically to the next JRA Committee (01/25/22) meeting.

**ROLL CALL VOTE:** **The motion failed by a vote of 4 AYE and 12 NAY. Voting in favor of the motion: Rep. Scott, Young, Nate, Skaug. Voting in opposition of the motion: Rep. Hartgen, Kerby, Amador, Marshall, Troy, Cannon, Erickson, Gannon, McCrostie(Coberly), Ruchti, Nash, Chaney.**

**Chairman Chaney** re-stated that the original motion to send **H 443** to the floor with a **DO PASS** recommendation is now before the Committee.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Scott and Nate** requested they be recorded as voting **NAY**. **Rep. Furniss** to sponsor the bill on the floor.

**ADJOURN:**      There being no further business to come before the Committee, the meeting adjourned at 3:38 p.m.

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Representative Chaney  
Chair

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Andrea Blades  
Secretary